

Message Text

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PAGE 01 GENEVA 01084 151211Z
ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 FEA-01 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-07 INT-05 L-03
LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15
STR-04 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01
/101 W

-----151212Z 047140 /13

R 151141Z FEB 77
FM USMISSION GENEVA
TO SECSTATE WASHDC 5212
INFO USMISSION EC BRUSSELS

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E.O. 11652: N/A
TAGS: GATT, ETRD
SUBJECT: INTERPRETATION OF RETALIATION PROVISIONS GATT ARTICLE XIX

REF: EC BRUSSELS 1421

1. EC IS CORRECT ON BOTH COUNTS IN THEIR INTERPRETATIONS
ARTICLE XIX. HAS ALWAYS BEEN INTERPRETED AS REQUIRING THAT
ACTIONS MUST BE TAKEN ON MFN BASIS.

2. WITH RESPECT RETALIATION PROVISIONS IN XIX:3(A), TEXT
READS WITHDRAWALS MAY BE APPLIED "TO THE TRADE OF THE
CONTRACTING PARTY TAKING SUCH (ESCAPE CLAUSE)
ACTION". WE HAVE EXAMINED GATT DOCUMENTS FOR ALL CASES
LISTED IN ANALYTICAL INDEX (PAGES 113-114) AND FIND IN
EACH CASE THE LANGUAGE REFERS TO SUSPENSION OF APPLICATION
OF CONCESSIONS TO THE TRADE OF THE CONTRACTING PARTY WHICH
TOOK THE INITIAL ESCAPE CLAUSE ACTION. FIRST PRECEDENT
WAS IN 1952 INVOLVING A BELGIAN SUSPENSION OF CONCESSIONS
TO THE TRADE OF THE UNITED STATES IN CONNECTION WITH A
US ACTION. THE UNITED STATES ITSELF HAS APPLIED THIS
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SAME INTERPRETATION. IN L/3046/ADD.1, CONCERNING AN ACTION
NEVER IMPLEMENTED, THE US TEXT READ AS FOLLOWS "THE
UNITED STATES PROPOSES UNDER THE PROVISIONS OF ARTICLE
XIX:3(A) TO SUSPEND ON 12 DECEMBER 1968 THE APPLICATION
TO THE TRADE OF AUSTRIA OF THE FOLLOWING CONCESSIONS."

3. WE HAVE ALSO DISCUSSED MATTER WITH LINDON OF GATT

SECRETARIAT, WHO STATED THE RIGHT OF DISCRIMINATORY
RETALIATION UNDER ARTICLE XIX HAS NEVER BEEN PUT INTO
DOUBT. IN FACT, ARTICLE XIX WOULD SEEM TO REQUIRE THAT
RETALIATION BE APPLIED ONLY AGAINST THE COUNTRY ORIGINALLY
TAKING THE ACTION. BRUNGART

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADE DISCRIMINATION, REGIONAL ORGANIZATIONS, CONTRACTS, AMENDMENTS, TRADE CONCESSIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 15-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA01084
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770053-0606
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770242/aaaabknw.tel
Line Count: 67
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 4545cec6-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 EC BRUSSELS 1421
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
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Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3322511
Secure: OPEN
Status: NATIVE
Subject: INTERPRETATION OF RETALIATION PROVISIONS GATT ARTICLE XIX
TAGS: ETRD, GATT, EEC
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/4545cec6-c288-dd11-92da-001cc4696bcc
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